

**COUNTY OF KAUAI
CHARTER REVIEW COMMISSION
AMENDMENT PROPOSAL FORM**

1. Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:

Section 1.03, County Elections, approved by voters in the 1996 General Election allows for the election of at-large council candidates in the primary election if a candidate receives at least thirty percent (30%) of all votes cast for all at-large council offices.

To date not a single council candidate has been elected in the primary election because the process used to calculate the required number of votes (i.e. 30% of all votes cast) produces a vote count so high it is impossible for any candidate to obtain the required number of votes.

Our proposal would improve the possibility for the election of at-large councilmembers in the primary election by redefining the process used to calculate the number of votes required for election.

2. If applicable, list the Charter provision(s) proposed to be deleted or amended:

The proposal would amend section 1.03(B)(2) of the Charter.

3. If the proposal is based on a provision or provisions in the Charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

Not applicable.

4. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

- I. Exhibit 1 – Current Charter requirements applied to past election results
- II. Exhibit 2 – Proposed Charter requirements applied to past election results
- III. Exhibit 3 – Comparison Charter requirements applied to past election results (discussion purposes only)

COUNTY OF KAUAI
CHARTER REVIEW COMMISSION
AMENDMENT PROPOSAL FORM

5. Attach the text of the proposed Charter Amendment in Ramseyer format (see below).

Ramseyer Format:

If proposing an amendment to existing Charter provisions, indicate, by underscoring, any language being proposed to be added to the Charter and indicate, by bracketing, any language being proposed to be deleted from the Charter.

If proposing to replace existing Charter provisions in their entirety, clearly indicate the article(s), chapter(s) and/or section(s) for the Charter proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

If proposing new Charter material only, provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

Section 1.03. County Elections.

A. In general. County elections shall be conducted in accordance with the election laws of the State insofar as applicable, but all elective officers shall be elected by nonpartisan elections. Except as otherwise provided in this charter, such nonpartisan elections shall be held in conjunction with the primary and general elections of the applicable year in which the terms of the mayor, council members, or prosecuting attorney, respectively, end.

B. First nonpartisan election. To the extent possible, the first nonpartisan election shall be held in conjunction with the primary election of the applicable year.

1. Offices of the Mayor, Prosecuting Attorney and Councilmembers to be elected by districts, if any. In the case of the offices of mayor, prosecuting attorney, or any council members to be elected by districts, any candidate receiving a majority of the votes cast for that office shall be elected. However, if there is only one candidate for each of said offices, such candidate shall be elected.

2. Office of At-Large Council Members. The candidates receiving the highest number of votes shall be elected to fill each vacant at-large council office provided the candidate or candidates receive ~~[at least thirty percent of all votes cast]~~ votes from a majority of valid ballots cast for ~~[all]~~ at-large council offices. In the event of a tie for the last remaining at-large council office the candidates receiving the same number of votes shall be placed on the ballot for the second nonpartisan election.

C. Second nonpartisan election. To the extent possible, the second nonpartisan election shall be held in conjunction with the general election for the applicable year.

1. Offices of the Mayor, Prosecuting Attorney, and Council members to be elected by districts, if any. Unless a candidate for mayor, prosecuting attorney, or council members to be elected by district, if any, is elected in the first nonpartisan election, the names of the two candidates receiving the highest number of votes for these offices in the first nonpartisan election shall be placed on the ballot for the second nonpartisan election. At the second nonpartisan election the candidates receiving the highest number of votes for mayor, prosecuting attorney and district council member, respectively, shall be elected.

2. Office of At-Large Council members.

a. If any at-large council office remains to be filled after the first nonpartisan election, two candidates for each vacant at-large council office shall be placed on the ballot. The names of the candidates receiving the highest number of votes cast in the first

nonpartisan election, other than the name of any candidate elected after the first nonpartisan election, shall be placed on the ballot until a sufficient number of candidates are on the ballot as provided in this subsection. At the second nonpartisan election, the candidates receiving the highest number of votes for each vacant at-large office shall be elected.

b. In the event of a tie vote in the second nonpartisan election, the winner shall be determined by chance by a method chosen by the county clerk.

D. In any subsequent publication of the foregoing sections the term "first nonpartisan election" and "second nonpartisan election" may be changed to "primary election" and "general election", respectively."

(Amended 1996)

Exhibit 1 - Current Charter requirements applied to past election results
(Receive at least 30% all votes cast)

Candidate	Election Year			
	1998	2000	2002	2004
1	11,630	8,881	10,837	8,546
2	11,156	8,136	10,553	7,915
3	10,680	8,115	8,391	7,372
4	9,456	7,471	7,905	6,745
5	7,426	7,328	7,439	6,546
6	6,489	7,058	5,538	6,380
7	5,927	5,866	5,494	5,807
8	5,294	5,491	4,869	5,771
9	4,073	3,896	4,060	3,185
10	3,503	2,441	3,979	3,039
11	3,478	2,406	3,196	2,917
12	3,410	2,375	3,182	1,893
13	1,997	1,428	2,799	1,417
14	1,997	1,248	2,385	1,276
15	1,966	1,003	2,297	1,208
16	1,856	621	2,054	883
17	1,744	509	1,873	631
18	1,527	na	1,791	na
19	1,495	na	1,597	na
20	1,164	na	1,492	na
21	1,068	na	1,203	na
22	na	na	1,102	na
23	na	na	1,101	na
24	na	na	714	na
25	na	na	625	na
26	na	na	531	na
27	na	na	521	na
28	na	na	437	na
29	na	na	294	na
Total Votes Cast	97,336	74,273	98,259	71,531
30% all votes cast	29,201	22,282	29,478	21,459
No. voters (voter turnout)	20,003	14,784	18,737	14,215
No. Elected in Primary	0	0	0	0

Exhibit 2 - Proposed Charter requirements applied to past election results
(Receive votes from a majority valid ballots cast)

Candidate	Election Year			
	1998	2000	2002	2004
1	11,630	8,881	10,837	8,546
2	11,156	8,136	10,553	7,915
3	10,680	8,115	8,391	7,372
4	9,456	7,471	7,905	6,745
5	7,426	7,328	7,439	6,546
6	6,489	7,058	5,538	6,380
7	5,927	5,866	5,494	5,807
8	5,294	5,491	4,869	5,771
9	4,073	3,896	4,060	3,185
10	3,503	2,441	3,979	3,039
11	3,478	2,406	3,196	2,917
12	3,410	2,375	3,182	1,893
13	1,997	1,428	2,799	1,417
14	1,997	1,248	2,385	1,276
15	1,966	1,003	2,297	1,208
16	1,856	621	2,054	883
17	1,744	509	1,873	631
18	1,527	na	1,791	na
19	1,495	na	1,597	na
20	1,164	na	1,492	na
21	1,068	na	1,203	na
22	na	na	1,102	na
23	na	na	1,101	na
24	na	na	714	na
25	na	na	625	na
26	na	na	531	na
27	na	na	521	na
28	na	na	437	na
29	na	na	294	na
Total Valid Ballots Cast (Total Turnout)	20,003	14,784	18,737	14,215
Majority valid ballots cast	10,002	7,393	9,369	7,108
No. Elected in Primary (shaded)	3	4	2	3

Exhibit 3 - Comparison Charter requirements applied to past election results
(Receive votes from at least 30% of all valid ballots cast)

Candidate	Election Year			
	1998	2000	2002	2004
1	11,630	8,881	10,837	8,546
2	11,156	8,136	10,553	7,915
3	10,680	8,115	8,391	7,372
4	9,456	7,471	7,905	6,745
5	7,426	7,328	7,439	6,546
6	6,489	7,058	5,538	6,380
7	5,927	5,866	5,494	5,807
8	5,294	5,491	4,869	5,771
9	4,073	3,896	4,060	3,185
10	3,503	2,441	3,979	3,039
11	3,478	2,406	3,196	2,917
12	3,410	2,375	3,182	1,893
13	1,997	1,428	2,799	1,417
14	1,997	1,248	2,385	1,276
15	1,966	1,003	2,297	1,208
16	1,856	621	2,054	883
17	1,744	509	1,873	631
18	1,527	na	1,791	na
19	1,495	na	1,597	na
20	1,164	na	1,492	na
21	1,068	na	1,203	na
22	na	na	1,102	na
23	na	na	1,101	na
24	na	na	714	na
25	na	na	625	na
26	na	na	531	na
27	na	na	521	na
28	na	na	437	na
29	na	na	294	na
Total Valid Ballots Cast	20,003	14,784	18,737	14,215
30% valid ballots cast	6,001	4,435	5,621	4,265
No. Elected in Primary (shaded)	6	7	5	7

100